

Translation

PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053514	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/004604	International filing date ( <i>day/month/year</i> ) 02 May 2003 (02.05.2003)	Priority date ( <i>day/month/year</i> ) 13 May 2002 (13.05.2002)
International Patent Classification (IPC) or national classification and IPC C08G 18/08		
Applicant BASF AKTIENGESELLSCHAFT		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
<input checked="" type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
	These annexes consist of a total of <u>3</u> sheets.
3.	This report contains indications relating to the following items:
I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 17 September 2003 (17.09.2003)	Date of completion of this report 16 February 2004 (16.02.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/004604

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-15 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-14 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 20 December 2003 (20.12.2003)
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

### 2. Citations and explanations

Reference is made to the following document:

D1: EP1072652 A

Document D1, which is considered to be the closest prior art, discloses a dispersion produced from 0.125 mol polyester polyol, 0.125 mol dimethylolpropionic acid, 0.5 mol dicyclohexylmethane 4,4'-diisocyanate, 0.125 mol 1,4-butanediol and 0.08 mol isophorone diamine with the simultaneous addition of 0.02 mol ammonia solution (example 4, column 10, line 54 to column 11, line 22). The dispersed polyurethane particles have a particle size of 20-1000 nm (column 8, lines 7 to 8). Also disclosed are coating materials containing the claimed dispersion (claim 1) and their use as paints and coatings for any type of substrate (claim 5 and column 3, lines 4 to 16).

Claim 1 differs from D1 in that the dispersed polyurethane particles have a particle size of 2-15  $\mu\text{m}$ .

Claim 1 is therefore novel over D1 (PCT Article 33(2)).

The applicant shows that the claimed coatings, when applied to leather, have a lower gloss, retain their hue and exhibit

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only minimal alteration when back-polished, and have good mechanical properties.

The problem addressed by the present invention can therefore be seen as that of providing coatings for leather that exhibit the aforementioned properties.

Neither D1 nor any of the other documents cited in the international search report deal with the back-polishing of coatings. It is therefore not obvious to a person skilled in the art that increasing the size of the particles in the dispersions according to D1 will result in greater resistance to back-polishing.

The subject matter of claim 1 therefore involves an inventive step (PCT Article 33(3)).

The amendments that were submitted are considered admissible (PCT Article 34(2)(b)).